

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JILL DILLARD, JESSA SEEWALD,
JINGER VUOLO, and JOY DUGGAR,

Plaintiff,

CITY OF SPRINGDALE; WASHINGTON
COUNTY; KATHY O'KELLEY; ERNEST
CATE; RICK HOYT; STEVE ZEGA;
BAUER PUBLISHING COMPANY, L.P.;
BAUER MAGAZINE, L.P.; BAUER MEDIA
GROUP, INC.; BAUER, INC.; HEINRICH
BAUER NORTH AMERICA, INC.; BAUER
MEDIA GROUP USA, LLC; and DOES 1-10,
inclusive,

Defendant.

Case No.: 5:17-CV-05089-TLB

**PLAINTIFFS' EVIDENTIARY OBJECTIONS TO WASHINGTON COUNTY
DEFENDANTS' STATEMENT OF FACTS AND SUPPORTING EXHIBITS**

Plaintiffs hereby object to the evidence submitted in support of the Washington County's motion for summary judgment (Dkt. 139 Exs. 1 (Dkt. 139-1), 3 (Dkt. 139-8), 5 (Dkt. 139-10), 6 (Dkt. 139-11)) on the grounds that those evidence is inadmissible under the Federal Rules of Evidence.

I. AFFIDAVIT OF RICK HOYT (DKT. 139-1)

Plaintiffs object to the affidavit of Rick Hoyt ("Hoyt Affidavit") on the grounds that it contains an improper opinion testimony and a legal conclusion. (*See* Hoyt Aff. ¶ 6.) The portions of the Hoyt Affidavit containing legal conclusion and improper opinion testimony are not admissible. Fed. R. Evid. 401, 402, 701, 704.

II. AFFIDAVIT OF ABTIN MEHDIZADEGAN (DKT. 139-8)

Plaintiffs object to the affidavit of Abtin Mehdizadegan (“Mehdizadegan Affidavit”) on the grounds that it includes an improper opinion testimony (*see* Mehdizadegan Aff., ¶¶ 7, 9, 11), hearsay (*see id.*, ¶¶ 6, 7, 8, 10), and an improper legal conclusion (*id.* ¶ 13). The portions of the Mehdizadegan Affidavit containing an opinion, hearsay, or legal conclusion are inadmissible. Fed. R. Evid. 401, 402, 701, 704, 801.

III. AFFIDAVIT OF SHERRL COLVILLE (DKT. 139-10)

Plaintiffs object to the affidavit of Sherrl Colville (“Colville Affidavit”) on the grounds that it includes an improper opinion testimony (*see* Colville Affidavit, ¶¶ 1,) and hearsay (*see id.*, ¶¶ 5, 7, 8). The portions of the Colville Affidavit containing an improper opinion testimony and hearsay are inadmissible. Fed. R. Evid. 401, 402, 701, 804.

IV. DECLARATION OF TANDRA BARNFIELD (DKT. 139-11)

Plaintiffs object to the declaration of Tandra Barnfield (“Barnfield Declaration”) on the grounds that it lacks foundation (*see* Barnfield Decl., ¶ 2) and includes an improper opinion testimony (*see id.*, ¶ 2) and hearsay (*see id.*, ¶ 5). The portions of the Barnfield Declaration that lack foundation and contain an improper opinion testimony and hearsay are inadmissible. Fed. R. Evid. 401, 402, 602, 701, 804.

Respectfully submitted,

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